JONATHAN H. ADLER

Case Western Reserve University School of Law
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LAW SCHOOL FACULTY POSITIONS

CASE WESTERN RESERVE UNIVERSITY, Cleveland, OH

Inaugural Johan Verheij Memorial Professor of Law, 2011 – Present
Professor of Law (with tenure), July 2006 – Present
Associate Professor of Law, May 2004 – 2006
Assistant Professor of Law, July 2001 – 2004

Courses taught: Administrative Law, Constitutional Law I, Constitutional Law II (First Amendment), Election Law Seminar, Energy Law, Environmental Law, Environmental Law Seminar, International Environmental Law, International Environmental Law Seminar, Legislation & Regulation, Property

Committees and Service: Appointments Committee (2009-12; Chair, 2015-19), Provost Search Committee (2017-18); Dean Search Committee (2015), Strategic Planning Executive Committee (Co-Chair, 2012-2014), Standing Committee on Experiential Learning (2011-2013), Standing Committee on Washington, D.C. Program (2011), Appointments Committee (2009-2012), Provost's Advisory Committee for Promotion and Tenure (2008), Ad Hoc Committee on Bar Passage (2007-2008), Promotion & Tenure Committee (2006-2007, 2008-09), Judicial Clerkship Committee (2004-Present), Building Committee (2003-2006), Rankings Evaluation Committee (2003-04), Library & Technology Committee (2002-2006, Chair 2002-03), Upper-Level Writing Requirement Committee (2002-2003), RAW Program Evaluation Committee (2001-2003)

Director, Center for Business Law & Regulation, January 2007 – Present
Co-Director, Center for Business Law & Regulation, July – December 2006
Associate Director, Center for Business Law & Regulation, July 2003 – 2006

GEORGE MASON UNIVERSITY SCHOOL OF LAW, Arlington, Virginia

Visiting Associate Professor of Law, Fall 2005

AWARDS AND HONORS

Eighth Most Cited Law Professor in Public Law (excluding Constitutional Law), 2013-2017, Brian Leiter's Law School Rankings, August 2018.
(Only professor in top 10 under age 50 at time of study.)

Elected member of American Law Institute, 2018.

Eighth Most Cited Law Professor in Administrative and/or Environmental Law, 2010-2014, Brian Leiter's Law School Rankings, May 2016.
(Only professor in top 10 under age 50 at time of study.)

Case Western Reserve University School of Law Distinguished Research Award (2014-15).

Top 14 Health Care Mover & Shaker, *American Healthline* (2014).

Distinguished Alumnus Award, Friends Central School (2012)

Inaugural holder of the Johan Verheij Memorial Professorship at the Case Western Reserve University School of Law (2011)

LAND USE AND ENVIRONMENT LAW REVIEW 2009-10 (compendium of ten best articles in land-use and environmental law), *Money or Nothing: The Adverse Environmental Consequences of Uncompensated Land-Use Controls*, 49 BOSTON COLLEGE LAW REVIEW 301 (2008)

Finalist, LAND USE AND ENVIRONMENT LAW REVIEW 2008-09 (compendium of ten best articles in land-use and environmental law), *When Is Two a Crowd: The Impact of Federal Action on State Environmental Regulation*, 31 HARVARD ENVIRONMENTAL LAW REVIEW 67 (2007).

2007 Distinguished Teacher Award, Case Western Reserve University School of Law Alumni Association

Honorable Mention, Most Cited Law Professors by Specialty 2000-07 (Environmental Law), Brian Leiter's Law School Rankings, November 2007.
(Only environmental law professor listed under age 40 at time of study.)

2004 Paul M. Bator Award in Recognition of Excellence in Legal Scholarship, Outstanding Commitment to Teaching and Law Students, and the Significant Public Impact of His Work, Federalist Society for Law & Public Policy Studies.

2001 Distinguished Young Alumnus Award, George Mason University School of Law.

Finalist, LAND USE AND ENVIRONMENT LAW REVIEW 2001-02 (compendium of ten best articles in land-use in environmental law), *Free and Green: A New Approach to Environmental Protection*, 24 HARVARD JOURNAL OF LAW & PUBLIC POLICY 653 (2001).

Finalist, LAND USE AND ENVIRONMENT LAW REVIEW 2001-02 (compendium of ten best articles in land-use in environmental law), *The Ducks Stop Here? The Environmental Challenge to Federalism*, 9 SUPREME COURT ECONOMIC REVIEW 205 (2001).

PUBLICATIONS

Books

LET FIFTY FLOWERS BLOOM: ENVIRONMENTAL FEDERALISM FOR THE 21ST CENTURY (Cambridge University Press, forthcoming).

Editor, BUSINESS AND THE ROBERTS COURT (Oxford University Press, 2016).

Co-Author, A CONSPIRACY AGAINST OBAMACARE: THE VOLOKH CONSPIRACY AND THE HEALTH CARE CASE (2013).

Editor, REBUILDING THE ARK: NEW PERSPECTIVES ON ENDANGERED SPECIES ACT REFORM (2011).

Editor, ECOLOGY, LIBERTY & PROPERTY: A FREE MARKET ENVIRONMENTAL READER (2000).

Editor, THE COSTS OF KYOTO: CLIMATE CHANGE POLICY AND ITS IMPLICATIONS (1997).

ENVIRONMENTALISM AT THE CROSSROADS: GREEN ACTIVISM IN AMERICA (1995).

Law Review Articles

Is the Clean Air Act Unconstitutional? Coercion, Cooperative Federalism, and Conditional Spending after NFIB v. Sebelius (w/ Nathaniel Stewart), 43 ECOLOGY LAW QUARTERLY 671 (2016).

Baptists, Bootleggers, and Electronic Cigarettes (w/ Roger Meiners, Andrew Morriss & Bruce Yandle), 33 YALE JOURNAL ON REGULATION 313 (2016).

Compelled Commercial Speech and the Consumer Right-to-Know, 58 ARIZONA LAW REVIEW 421 (2016).

Learning How to Fish: Catch Shares and the Future of Fishery Conservation (with Nathaniel Stewart), 31 UCLA ENVIRONMENTAL LAW & POLICY REVIEW 150 (2013).

Taxation without Representation: The Illegal IRS Rule to Expand Tax Credits under the PPACA (with Michael Cannon), 23 HEALTH MATRIX: JOURNAL OF LAW-MEDICINE 119 (2013).

Eyes on a Climate Prize: Rewarding Energy Innovation to Achieve Climate Stabilization, 35 HARVARD ENVIRONMENTAL LAW REVIEW 1 (2011).
(Selected to be excerpted in annual ENVIRONMENTAL LAW AND POLICY REVIEW issue of ENVIRONMENTAL LAW REPORTER (2012)).

The Rest Is Silence: Chevron *Deference, Agency Jurisdiction, and Statutory Silences* (with Nathan Sales), 2009 UNIVERSITY OF ILLINOIS LAW REVIEW 101 (2009).

Money or Nothing: The Adverse Environmental Consequences of Uncompensated Land-Use Controls, 49 BOSTON COLLEGE LAW REVIEW 301 (2008).
(Selected for inclusion in LAND USE AND ENVIRONMENTAL LAW REVIEW 2009-10, compendium of ten best articles on land use or environmental law in 2008.)

When Is Two a Crowd: The Impact of Federal Action on State Environmental Regulation, 31 HARVARD ENVIRONMENTAL LAW REVIEW 67 (2007).
(Finalist, LAND USE AND ENVIRONMENTAL LAW REVIEW 2008-09, compendium of ten best articles on land use or environmental law in 2007.)

The Green Costs of Kelo: Economic Development Takings and Environmental Protection (with Ilya Somin), 84 WASHINGTON UNIVERSITY LAW REVIEW (2006).

Reckoning with Rapanos*: Revisiting "Waters of the United States" and the Limits of Federal Wetland Regulation*, 14 MISSOURI ENVIRONMENTAL LAW & POLICY REVIEW 1 (2006).

Judicial Federalism and the Future of Federal Environmental Regulation, 90 IOWA LAW REVIEW 377 (2005).

Conservation through Collusion: Antitrust as an Obstacle to Marine Resource Conservation, 61 WASHINGTON AND LEE LAW REVIEW 3 (2004).

Fables of the Cuyahoga: Reconstructing a History of Environmental Protection, 14 FORDHAM ENVIRONMENTAL LAW JOURNAL 89 (2002).

Let 50 Flowers Bloom: Transforming the States into Laboratories of Environmental Policy, 31 ENVIRONMENTAL LAW REPORTER 11284 (2001).

The Ducks Stop Here? The Environmental Challenge to Federalism, 9 SUPREME COURT ECONOMIC REVIEW 205 (2001).
(Finalist, LAND USE AND ENVIRONMENTAL LAW REVIEW, ten best articles on land use or environmental law in 2001; reprinted in ECONOMICS OF CONSTITUTIONAL LAW (R. Epstein ed. 2009)).

Free and Green: A New Approach to Environmental Protection, 24 HARVARD JOURNAL OF LAW & PUBLIC POLICY 653 (2001).
(Finalist, LAND USE AND ENVIRONMENTAL LAW REVIEW, ten best articles on land use or environmental law in 2001.)

More Sorry than Safe: Assessing the Precautionary Principle and the Proposed International Biosafety Protocol, 35 TEXAS INTERNATIONAL LAW JOURNAL 173 (2000).

Wetlands, Waterfowl, and the Menace of Mr. Wilson: Commerce Clause Jurisprudence and the Limits of Federal Wetlands Regulation, 29 ENVIRONMENTAL LAW 1 (1999).

The Green Aspects of Printz*: The Revival of Federalism at Its Implications for Environmental Law*, 6 GEORGE MASON LAW REVIEW 573 (1998).

Symposium Contributions

Auer Evasions, 16 GEORGETOWN JOURNAL OF LAW & PUBLIC POLICY 1 (2018).

Regulatory Obstacles to Harm-Reduction: The Case of Smoking, 11 NYU JOURNAL OF LAW & LIBERTY 712 (2017).

Introduction: In Search of the Pro-Business Court, 67 CASE WESTERN RESERVE LAW REVIEW 681 (2017).

The Science Charade in Species Conservation, 24 SUPREME COURT ECONOMIC REVIEW 109 (2016).

Persistent Threats to Commercial Speech, 25 JOURNAL OF LAW & POLICY 289 (2016).

Restoring Chevron*'s Domain*, 81 MISSOURI LAW REVIEW 983 (2016).

Anti-Disruption Statutory Construction, 38 CARDOZO LAW REVIEW 509 (2016).

The Senate Has No Constitutional Obligation to Consider Nominees, 24 GEO. MASON L. REV. 15 (2016).

Category Errors and Executive Power, 11 FIU LAW REVIEW 357 (2016).

Of Kings to Come: The Future of Health Care Reform Still Remains in Federal Court, 20 JOURNAL OF EMPLOYEE RIGHTS AND EMPLOYMENT POLICY 133 (2016).

King v. Burwell *and the Triumph of Selective Contextualism* (w/ Michael Cannon), 15 CATO SUPREME COURT REVIEW 35 (2015).

Dynamic Environmentalism and Adaptive Management: Legal Obstacles and Opportunities, 11 JOURNAL OF LAW, ECONOMICS & POLICY 133 (2015).

Symposium Introduction: Marijuana, Federal Power & the States, 65 CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW 505 (2015).

Debate, King v. Burwell *and the Validity of Federal Tax Subsidies under the Affordable Care Act*, 163 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 215 (2015), http://www.pennlawreview.com/online/163-U-Pa-L-Rev-Online-215.pdf.

King v. Burwell*: Desperately Seeking Ambiguity in Clear Statutory Text* (w/ Michael Cannon), 40 JOURNAL OF HEALTH POLITICS, POLICY & LAW 577 (2015)

Robert Bork & Commercial Speech, 10 JOURNAL OF LAW, ECONOMICS & POLICY 615 (2014)

Climate Balkanization: Dormant Commerce and the Limits of State Energy Policy, 3 LSU JOURNAL OF ENERGY LAW AND RESOURCES 153 (2014)

The Conflict of Visions in NFIB v. Sebelius, 62 DRAKE LAW REVIEW 937 (2014).

Conservative Principles for Environmental Reform, 23 DUKE ENVIRONMENTAL LAW & POLICY FORUM 253 (2013).

Placing "Reins" on Regulations: Assessing the Proposed REINS Act, 16 NYU JOURNAL OF LEGISLATION & PUBLIC POLICY 1 (2013).

Wetlands, Property Rights, and the Due Process Deficit in Environmental Law, 12 CATO SUPREME COURT REVIEW 139 (2012).

Eyes on a Climate Prize: Rewarding Energy Innovation to Achieve Climate Stabilization, 42 ENVIRONMENTAL LAW REPORTER 10712 (2012).

Water Rights, Markets, and Changing Ecological Conditions, 42 ENVIRONMENTAL LAW 93 (2012).

Interstate Competition and the Race to the Top, 35 HARVARD JOURNAL OF LAW & PUBLIC POLICY 89 (2011).

The Supreme Court Disposes of a Nuisance Suit: American Electric Power v. Connecticut, 2010-11 CATO SUPREME COURT REVIEW 295 (2011).

A Tale of Two Climate Cases, 121 YALE LAW JOURNAL ONLINE 109 (2011), http://yalelawjournal.org/2011/09/13/adler.html.

Cooperation, Commandeering or Crowding Out? Federal Intervention and State Choices in Health Care Policy, 20 KANSAS JOURNAL OF LAW & PUBLIC POLICY 199 (2011).

Introduction – Symposium on Commercial Speech and Public Health, 21 HEALTH MATRIX 1 (2011).

Heat Expands All Things: The Proliferation of Greenhouse Gas Regulation under the Obama Administration, 34 HARVARD JOURNAL OF LAW & PUBLIC POLICY 421 (2011).

Standing Still in the Roberts Court, 59 CASE WESTERN RESERVE LAW REVIEW 1061 (2009).

Taking Property Rights Seriously: The Case of Climate Change, SOCIAL PHILOSOPHY & POLICY, vol. 26, No. 2 (2009).

Business, the Environment, and the Roberts Court: A Preliminary Assessment, 49 SANTA CLARA LAW REVIEW 943 (2009).

Getting the Roberts Court Right: A Response to Chemerinsky, 54 WAYNE LAW REVIEW 983 (2008).

Water Marketing as an Adaptive Response to the Threat of Climate Change, 31 HAMLINE LAW REVIEW 730 (2008).

Introduction: Common Law Environmental Protection (w/ Andrew Morriss), 58 CASE WESTERN RESERVE LAW REVIEW 575 (2008).

Reforming Our Wasteful Hazardous Waste Policies, 17 NYU ENVIRONMENTAL LAW JOURNAL 724 (2008).

Hothouse Flowers: The Vices and Virtues of Climate Federalism, 17 TEMPLE POLITICAL AND CIVIL RIGHTS LAW REVIEW 443 (2008).

God, Gaia, The Taxpayer and the Lorax: Standing, Justiciability, and Separation of Powers after Massachusetts *and* Hein, 20 REGENT UNIVERSITY LAW REVIEW 175 (2008).

Massachusetts v. EPA *Heats Up Climate Policy No Less than Administrative Law: A Comment on Professors Watts and Wildermuth*, 102 NORTHWESTERN LAW REVIEW COLLOQUY 32 (2007).

Warming Up to Climate Change Litigation, 3 VA. L. REV. IN BRIEF 61 (2007).

Back to the Future of Conservation: Changing Perceptions of Property Rights & Environmental Protection, 1 NYU JOURNAL OF LAW & LIBERTY 987 (2005).

Jurisdictional Mismatch in Environmental Federalism, 14 NYU ENVIRONMENTAL LAW JOURNAL 130 (2005).

Looking Ahead to the 2005-06 Term, CATO SUPREME COURT REVIEW 2004-05 (2005).

Is Morrison *Dead? Assessing a Supreme Drug (Law) Overdose*, 9 LEWIS & CLARK LAW REVIEW 751 (2005).

Frank Meyer: The Fusionist as Federalist, PUBLIUS Vo. 34 No. 4 (Fall 2004).

The Fable of Federal Environmental Regulation, 55 CASE WESTERN RESERVE LAW REVIEW 93 (2004).

Remarks on Regulating Genetically Modified Foods: Is Mandatory Labeling the Right Answer?, 10 RICHMOND JOURNAL OF LAW & TECHNOLOGY (2004).

Introduction: The Virtues and Vices of Skeptical Environmentalism (with Andrew Morriss), 53 CASE WESTERN LAW REVIEW 249 (2002).

Legal Obstacles to Private Ordering in Marine Fisheries, 8 ROGER WILLIAMS UNIVERSITY LAW REVIEW 9 (2002).

Stand or *Deliver: Citizen Suits, Standing, and Environmental Protection*, 12 DUKE ENVIRONMENTAL LAW & POLICY FORUM 39 (2001).

The Cartagena Protocol and Biological Diversity: Biosafe or Bio-Sorry? 12 GEORGETOWN INTERNATIONAL ENVIRONMENTAL LAW REVIEW 761 (2000).

Book Contributions

Environmental Protection: Final Frontier or Achilles Heel? THE CAMBRIDGE HANDBOOK OF CLASSICAL LIBERAL THOUGHT (T. Henderson ed., 2018).

Business as Usual? The Roberts Court and Environmental Law, in BUSINESS AND THE ROBERTS COURT (J. Adler ed. 2016).

Introduction: In Search of the Probusiness Court, in BUSINESS AND THE ROBERTS COURT (J. Adler ed. 2016).

The Ad Hoc Implementation and Enforcement of Health Care Reform, in LIBERTY'S NEMESIS: THE UNCHECKED EXPANSION OF THE STATE (D. Reuter & J. Yoo eds., 2016)

The Future of Health Care Reform Remains in Federal Court, in THE FUTURE OF HEALTH CARE REFORM IN THE UNITED STATES (M. Schill & A. Malani eds., 2015).

(various), A CONSPIRACY AGAINST OBAMACARE: THE VOLOKH CONSPIRACY AND THE AFFORDABLE CARE ACT (Trevor Burrus ed., 2013).

Judicial Minimalism, the Mandate, and Mr. Roberts, THE HEALTH CARE CASES: THE SUPREME COURT'S DECISION AND ITS IMPLICATIONS (N. Persily, G. Metzger, & T. Morrison, eds., 2013).

The False Promise of Federalization, in SILENT SPRING AT 50: THE FALSE CRISES OF RACHEL CARSON (A. Morriss, R. Meiners & P. Desrochers eds. 2012).

Labeling the Little Things, THE NANOTECHNOLOGY CHALLENGE (D. Dana ed., 2011).

The Leaky Ark: The Failure of Endangered Species Regulation on Private Land, REBUILDING THE ARK: NEW PERSPECTIVES ON ENDANGERED SPECIES ACT REFORM (J. Adler ed., 2011).

The Problems with Precaution: A Principle without Principle, CROP CHEMOPHOBIA (J. Entine ed., 2010).

The Adverse Environmental Consequences of Uncompensated Land-Use Controls, PROPERTY WRONGS: THE LAW AND ECONOMICS OF TAKINGS (B. Benson ed., 2010).

Perverse Incentives and the Endangered Species Act, ISSUES OF THE DAY: 100 COMMENTARIES ON CLIMATE, ENERGY, THE ENVIRONMENT, TRANSPORTATION, AND PUBLIC HEALTH POLICY (Ian W.H. Parry & Felicia Day eds., 2010).

Taking Property Rights Seriously, THE ENVIRONMENT: PHILOSOPHY AND POLICY (Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul, eds., Cambridge University Press, 2009).

Environment, THE ENCYCLOPEDIA OF LIBERTARIANISM (R. Hamowy ed., 2008).

Once More, With Feeling: Reaffirming the Limits of Clean Water Act Jurisdiction, THE SUPREME COURT AND THE CLEAN WATER ACT: FIVE ESSAYS ON *RAPANOS* (K. Wroth ed., Vermont Environmental Law Journal, 2007).

Marsh Madness, in INCENTIVES AND CONSERVATION: THE NEXT GENERATION OF ENVIRONMENTALISM (D. Benjamin ed., 2004).

Antitrust Barriers to Cooperative Fishery Management, in THE EVOLUTION OF PROPERTY RIGHTS IN FISHERIES (D. Leal ed., 2004).

Letting Fifty Flowers Bloom: Using Federalism to Spur Environmental Innovation, in THE JURISDYNAMICS OF ENVIRONMENTAL PROTECTION: CHANGE AND THE PRAGMATIC VOICE IN ENVIRONMENTAL LAW (J. Chen ed., 2004).

Do Conservation Conventions Conserve? in SUSTAINABLE DEVELOPMENT: PROMOTING PROGRESS OR PERPETUATING POVERTY? (J. Morris, ed. 2002).

The Precautionary Principle's Challenge to Progress, in GLOBAL WARMING AND OTHER ECO-MYTHS (R. Bailey, ed. 2002).

Clean Politics, Dirty Profits, in POLITICAL ENVIRONMENTALISM: GOING BEHIND THE GREEN CURTAIN (T. Anderson, ed., 2000).

Benchmarks (w/ Peter Cazamias), *in* THE TRUE STATE OF THE PLANET (R. Bailey, ed., 1995).

Clean Fuels, Dirty Air, in ENVIRONMENTAL POLITICS: PUBLIC COSTS, PRIVATE REWARDS (M. Greve and F. Smith, eds., 1992).

Monographs

Bootleggers, Baptists and E-Cigarettes (w/ R. Meiners, A. Morriss & B. Yandle), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2557691 (2015).

A More Modest Court: The Ohio Supreme Court's Newfound Judicial Restraint (w/ Christina M. Adler) (Federalist Society for Law & Public Policy Studies, 2008).

Let Fifty Flowers Bloom: Transforming the State into Laboratories Environmental Policy (Federalism Project/American Enterprise Institute, 2001).

Greenhouse Policy without Regrets, Lead Author (Competitive Enterprise Institute, 2000).

Environmental Performance at the Bench: The EPA's Record in Federal Court POLICY STUDY NO. 269 (Reason Public Policy Institute, 2000).

Free Market Environmental Bibliography, 4th Edition, Editor (Competitive Enterprise Institute, 1996).

Property Rights, Regulatory Takings, and Environmental Protection (Competitive Enterprise Institute, 1996).

Time to Reopen the Clean Air Act: Clearing Away the Regulatory Smog (w/ K.H. Jones), POLICY ANALYSIS NO. 233 (Cato Institute, 1995).

Property Rights Reader, Editor (Competitive Enterprise Institute, 1995).

Taken to the Cleaners: A Case Study of the Overregulation of American Small Business POLICY ANALYSIS NO. 233 (Cato Institute, 1993).

Essays & Reviews

Constitutionally Illiterate: Roy Moore Takes a Blinkered View of the Rule of Law, THE WEEKLY STANDARD, Nov. 15, 2017.

A Term for the Ages, NATIONAL REVIEW ONLINE, Sept. 29, 2017.

The Case for Fewer Lawyers (review of B. Barros & S. Bibas, *Rebooting Justice*), WALL STREET JOURNAL, Sept. 7, 2017.

Pangloss and the Bureaucrats (review of A. Vermeule, *Law's Abnegation*), NATIONAL REVIEW, Feb. 6, 2017

Accounting for Dynamic Nature, PERC REPORTS, Summer 2016.

An Administrative Law Fairy Tale, LIBERTY LAW FORUM, Feb. 12, 2016.

Redefining Waters of the United States, PERC REPORTS, Winter 2015.

Review of N. Klein, *This Changes Everything: Capitalism vs. the Climate* and N. Stern, *Why Are We Waiting? The Logic, Urgency, and Promise of Tackling Climate Change*, TIMES LITERARY SUPPLEMENT (November 13, 2015).

Review of C. Murray, *By the People: Rebuilding Liberty without Permission*, ENGAGE, VOL. 16, NO. 3 (October 2015).

Bootleggers, Baptists, and E-Cigs (w/ R. Meiners, A. Morriss & B. Yandle), REGULATION (Spring 2015).

Learning How to Fish (w/ Nathaniel Stewart), REGULATION, Spring 2014.

The Conservative Record on Environmental Policy (review of J. Layzer, *Open for Business: Conservatives' Opposition to Environmental Regulation*), THE NEW ATLANTIS (Summer 2013).

Navigating the Coming Water Crisis (Review of L. Solomon, *America's Water and Wastewater Crisis: The Role of Private Enterprise*), LIBERTY LAW BLOG, July 12, 2013.

The D.C. Circuit Is Hardly in Crisis, THE ENVIRONMENTAL FORUM, May/June 2013.

The Magic of the Market: The Advantages of Catch-Share Fishing (with Nathaniel Stewart), THE MILKEN INSTITUTE REVIEW (Fourth Quarter 2012).

How Not to Label GM Foods, THE NEW ATLANTIS (Summer 2012).

Positive Steps, Silver Linings (with Nathaniel Stewart), NATIONAL REVIEW, July 30, 2012.

Is the Common Law the Free Market Solution to Pollution? CRITICAL REVIEW vol. 24, no. 1 (2012).

Some Shade of Green, NATIONAL REVIEW, December 31, 2011.

The Challenge of Regulating Objectively (review of D. Kysar, *Regulating from Nowhere: Environmental Law and the Search for Objectivity*), THE NEW ATLANTIS (Spring 2011).

Will the REINS Act Rein in Federal Regulation? REGULATION, vol. 34, no. 2 (2011).

(Mostly) Realism on Global Warming (review of R. Pielke Jr., *The Climate Fix: What Scientists and Politicians Won't Tell You about Global Warming*), REGULATION, vol. 34, no. 1 (2011).

The Constitutionality of the Individual Mandate in the Affordable Care Act (with Erik Jensen), BAR JOURNAL OF THE CLEVELAND METROPOLITAN BAR ASSOCIATION, March 2011.

The EPA's Carbon Footprint, REASON (March 2010).

The Record of the Roberts Court in Environmental Cases: Pro-Business or Pro-Government? ENGAGE, Vol. 11, No. 1 (2010).

The Clean Water Land Grab, REGULATION, vol. 32, no. 4 (2009-2010).

Kindler, Gentler Cost-Benefit Analysis (review of R. Revesz & M. Livermore, *Retaking Rationality: How Cost Benefit Analysis Can Better Protect the Environment and Our Health*), REGULATION, vol. 32, no. 4 (2009-2010).

Conservation without Regulation: Property-Based Environmental Protection (transcript of talk at University of Cincinnati College of Law), ENGAGE, vol. 10, Issue 2 (2009).

Warming Up to Water Markets, REGULATION, vol. 31, no. 4 (2008).

The Green Bridge to Nowhere, (review of J. Speth, *The Bridge at the End of the World: Capitalism, the Environment, and Crossing from Crisis to Sustainability*), THE NEW ATLANTIS (Fall 2008).

An Animal to Save the World, THE NEW ATLANTIS (Summer 2008).

Backing Up Words with (Intelligent, Targeted) Action, THE NEW REPUBLIC ONLINE, January 30, 2008.

Anti-Conservation Incentives, REGULATION, vol. 30, no. 4 (2007).

Can the Golden State Catch a Greenhouse Waiver?, ENGAGE (2007).

Devaluing Science, review of R. Pielke, *The Honest Broker: Making Sense of Science in Policy and Politics*, THE NEW ATLANTIS (Summer 2007).

Don't Politicize Science (Unless You're on My Side), review of C. Mooney, *The Republican War on Science*, REGULATION (Spring 2007).

Standing in the Hot-Seat: Climate Change Litigation, ENGAGE, Vol. 8, No. 1 (2007).

Prosecuting Journalists Would be Unprecedented and Unwise, NATIONAL SECURITY LAW REPORT, Vol. 28, No. 3 (September 2006).

Review of D. Schoenbrod, *Saving the Environment from Washington*, INDEPENDENT REVIEW, Vol. 10, No. 4 (Summer 2006).

How to Protect Environmental Protections? 25 ENVIRONMENTAL LAW REPORTER 10413 (2005) (roundtable transcript).

A Vast-Right Wing Conspiracy: It's Neither Vast nor a Conspiracy. Discuss, LEGAL AFFAIRS (May-June 2005).

Conservation Cartels: How Competition Policy Conflicts with Environmental Protection, REGULATION Vol. 27, No. 4 (2004).

The Role of the Judiciary in Preserving Federalism, 1 GEORGETOWN JOURNAL OF LAW & PUBLIC POLICY, Symposium Issue 49 (2002).

(Review) *Free Market Environmentalism Revised Edition*, 22 CATO JOURNAL 182 (2002).

Judicial Federalism Not Anti-Environment, ENVIRONMENTAL FORUM, vol. 19, No. 4 (2002).

Waste & the Dormant Commerce Clause – A Reply (response to Richard Epstein), 3 GREEN BAG 2D 353 (2000).

Faux Market Environmentalism, REGULATION, Vol. 23, No. 1 (2000).

Swamp Rules: The End of Federal Wetlands Regulation? REGULATION, Vol. 22, No. 2 (1999).

There's No Justice in EPA's Environmental Justice Policy, 6 CORPORATE ENVIRONMENTAL STRATEGY 183 (1999).

A New Environmental Federalism, FORUM FOR APPLIED RESEARCH AND PUBLIC POLICY (Winter 1998).

Bean Counting for a Better Earth: Environmental Enforcement at the EPA, REGULATION, Vol. 21, No. 2 (1998).

Rent-Seeking Behind the Green Curtain, REGULATION, Vol. 19, No. 4 (1996).

Over 100 articles, reviews, and op-eds on environmental and regulatory policy have appeared in various magazines and newspapers, including (but not limited to) the following:

Magazines/Journals

The American Spectator
Chief Executive
Consumer's Research
The Environmental Forum
The Good Society
Issues in Science and Technology
Legal Times
Liberty
National Review
The Next Progressive
PERC Reports
Policy Review
The Public Interest
The Weekly Standard

Newspapers

Arizona Republic
Christian Science Monitor
Cleveland Plain Dealer
Detroit News
Hartford Courant
Indianapolis Star
Investor's Business Daily
Los Angeles Times
New York Times
Orange County Register
Oregonian
Philadelphia Inquirer
Phoenix Gazette
Richmond Times-Dispatch
San Diego Union-Tribune
St. Louis Post-Dispatch
USA Today
Wall Street Journal
Washington Post
Washington Times

CONGRESSIONAL TESTIMONY

Examining the Use of Administrative Actions in the Implementation of the Affordable Care Act, Committee on Ways and Means, Subcommittee on Oversight, U.S. House of Representatives, May 20, 2015.

Constitutional Considerations: State vs. Federal Environmental Policy Implementation, Subcommittee on Environment and the Economy, Committee on Energy and Commerce, U.S. House of Representatives, July 11, 2014.

IRS: Enforcing ObamaCare's New Rules and Taxes (with Michael Cannon), Committee on Oversight and Government Reform, U.S. House of Representatives, August 2, 2012.

The Endangered Species Act: Reviewing the Nexus of Science and Policy, Committee on Science, Space, and Technology Subcommittee on Investigations and Oversight, U.S. House of Representatives, October 13, 2011.

The REINS Act – Promoting Jobs and Expanding Freedom by Reducing Needless Regulations, Subcommittee on Courts, Commercial and Administrative Law, Committee on the Judiciary, U.S. House of Representatives, January 24, 2011

The Clean Water Restoration Act of 2007, Committee on Transportation and Infrastructure, U.S. House of Representatives, April 16, 2008.

Examining the Case for the California Waiver, Committee on Environment and Public Works, U.S. Senate, May 22, 2007.

The Scope of "Waters of the United States" after *Rapanos v. United States*, Subcommittee on Fisheries, Wildlife and Water, Committee on Environment and Public Works, U.S. Senate, August 1, 2006.

Gas Price Act of 2005, Committee on Environment and Public Works, U.S. Senate, October 18, 2005.

National Fish & Wildlife Foundation Establishment Act Amendments of 1997, Subcommittee on Fisheries, Conservation, Wildlife, and Oceans, U.S. House of Representatives, September 25, 1997.

The Right to Own Property, Committee on the Judiciary, U.S. Senate, October 18, 1995.

Private Property Rights and Environmental Laws, Committee on Environment and Public Works, U.S. Senate, July 12, 1995.

Flow Control and Interstate Transportation of Solid Waste, Subcommittee on Superfund, Waste Control, and Risk Assessment, U.S. Senate, March 1, 1995.

Private Property Rights, Subcommittee on the Constitution, U.S. House of Representatives, February 10, 1995.

CONFERENCES & SYMPOSIA

Director, Research Workshop on "Property in Ecology," Property & Environment Research Center and CWRU Center for Business Law & Regulation, Case Western Reserve University School of Law, November 9-11, 2017. ((Proceedings to be published as symposium in NATURAL RESOURCES JOURNAL (forthcoming)).

Co-Director, "First Amendment in the Regulatory State" Research Roundtable, Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School, Arlington, VA, October 26-27, 2017.

Co-Director, "Rethinking Due Process" Research Roundtable, Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School, Arlington, VA, January 26-27, 2017.

Director, 2016 Leet Symposium on Business and the Roberts Court, Center for Business Law and Regulation, Case Western Reserve University School of Law, September 23, 2016.

Director, "Environmental Law in the Administrative State" Research Roundtable, Center for the Study of the Administrative State, George Mason University School of Law, Arlington, VA, May 5-6, 2016.

Co-Director, "Are Corporate Wellness Programs Hazardous to Well-Being?" conference, Law-Medicine Center and the Center for Business Law & Regulation, Case Western Reserve University School of Law, April 15, 2016. (Proceedings published as symposium in HEALTH MATRIX: THE JOURNAL LAW-MEDICINE (2017)).

Director, "The Fusion of Liberty and Tradition," Liberty Fund Colloquium, Cleveland, Ohio, March 5-8, 2015.

Director, "Marijuana, Federal Power & the States," Center for Business Law & Regulation, Case Western Reserve University School of Law, September 12, 2014. (Proceedings published as symposium in CASE WESTERN RESERVE LAW REVIEW (2015)).

Guest Editor, *Health Matrix* (Special symposium issue on commercial speech and public health), Spring 2011.

Director, "Business Law & Regulation in the Roberts Court," Center for Business Law & Regulation, Case Western Reserve University, September 16-17, 2010.

Director, "Regulation by Litigation Roundtable," Center for Business Law & Regulation, Case Western Reserve University, September 25, 2009. (Proceedings published as book review symposium in REGULATION GOVERNANCE (2011)).

Director, "Rebuilding the Ark: New Perspectives on Endangered Species Act Reform," American Enterprise Institute, September 15, 2009.

Director, "Civil Liberties in Wartime," Liberty Fund Colloquium, Cleveland, Ohio, June 26-29, 2008.

Co-editor (with Andrew Morriss), "Common Law Environmental Protection," paper-only symposium, CASE WESTERN RESERVE LAW REVIEW (2008)

Director, "Private Property, Government Takings, and Individual Liberty, Liberty Fund Colloquium, San Antonio, Texas, February 28-March 2, 2008.

Chair, ""Scheme Liability: Section 10(b), and *Stoneridge Investment Partners v. Scientific Atlanta*," co-sponsored by the Center for Business Law & Regulation and the Corporate Law Practice Group of the Federalist Society for Law & Public Policy Studies, Cleveland, Ohio, October 5, 2007.

Director, "Frank S. Meyer and the Fusion of Freedom and Tradition," Liberty Fund Colloquium, Miami, Florida, December 12-15, 2006

Conference Co-Chair (with Dean Reuter), "Eminent Domain, Urban Renewal & The Constitution," cosponsored by the Center for Business Law & Regulation and the Property Rights and Environmental Law Practice Group of the Federalist Society for Law & Public Policy Studies, Cleveland, Ohio, February 4, 2005.

Director, "Civil Liberties in Wartime," Liberty Fund Colloquium, Miami, Florida, January 13-16, 2005.

Co-editor (with Andrew Morriss), "The Virtues and Vices of Skeptical Environmentalism," paper-only symposium on Bjorn Lomborg's *The Skeptical Environmentalist*, 53 CASE WESTERN RESERVE LAW REVIEW (2002).

Director, "The Costs of Kyoto: Climate Change Policy and Its Implications," Competitive Enterprise Institute, Washington, D.C., July 15, 1997.

SELECT LECTURES & PRESENTATIONS

"Libertarian Political Theory and Environmental Protection," Tim Hall Memorial Symposium, Oberlin College, September 22, 2018.

"Challenges Ahead for U.S. EPA's Regulatory Agenda," 33rd Annual Ohio Environment, Energy and Resources Law Seminar, Ohio State Bar Association, Columbus, OH, April 12, 2018.

"Environmental Federalism," George Mason University Law & Economics Center's Attorneys General Education Program, Nashville, TN, March 23 2018.

"Federal Environmental Regulation Reconsidered," William and Mary Law School, Williamsburg, VA, February 21, 2018.

Panelist, "The Regulation of Emerging Risks: Precautionary Principle or Risk v. Risk," Judicial Deference and Regulatory Science Symposium for Judges, Law & Economics Center at the George Mason University Antonin Scalia Law School, Arlington, VA, October 7, 2017.

"The New Legal Environment for Environmental Law," 32nd Annual Ohio Environment, Energy, and Resources Law Seminar, Ohio State Bar Association, Columbus, OH, March 31, 2017.

"Conservation without Regulation: Property Rights, Markets and Environmental Protection," Hope College, Holland, MI, March 8, 2017.

"Regulatory Obstacles to Harm Reduction: The Case of Tobacco," Medical Innovation and the Law conference, Classical Liberal Institute at the NYU School of Law, February 22, 2017.

Panelist, "Horizontal Separation of Powers," *Florida International University Law Review* Separation of Powers Symposium, Florida International University School of Law, March 11, 2016.

"Restoring *Chevron*'s Domain," *Missouri Law Review* conference, "Beyond the Administrative State," University of Missouri School of Law, Columbia, Missouri, March 3, 2016.

"From Delegation to Abdication," Conference on "New Challenges to Constitutional Law," Center for Political Thought and Leadership, Arizona State University, Tempe, AZ, February 19, 2016.

"Of Kings to Come: The Future of Health Care Reform Still Remains in Federal Court," Section on Employee Benefits and Executive Compensation, 110th Association of American Law Schools Annual Meeting, New York, NY, January 9, 2016.

"*Obergefell v. Hodges*: Same-sex Marriage and the Supreme Court," Center for the Study of American Democracy, Kenyon College, Gambier, Ohio, October 10, 2015.

"Federalism and Environmental Protection," 2015 Ohio Attorney General's Office Staff Retreat, Mount Sterling, Ohio, April 22, 2015.

"Conservative Conservation: Property Rights & Environmental Protection," Annual Stranahan Lecture, University of Toledo College of Law, Toledo, Ohio, March 25, 2015.

Panelist, "*King v. Burwell*," Yale Law School, New Haven, Connecticut, November 11, 2014.

"Federal Environmental Regulation Reconsidered," Annual Classical Liberalism Lecture, Whitman College, Walla Walla, Washington, October 22, 2014.

"Dynamic Environmentalism and Adaptive Management: Obstacles and Opportunities," PERC-LEC Roundtable, George Mason University School of Law, Arlington, Virginia, October 9, 2014.

"Is the Affordable Care Act in Jeopardy? The Continuing Legal Challenges to the ACA and its Implementation," Inaugural Case Health Policy Lecture, Weatherhead Institute of Family Medicine & Community Health and Case Western Reserve University School of Medicine, August 27, 2014.

"The Conflict of Visions in *NFIB v. Sebelius*," Drake University Constitutional Law Center 2014 Constitutional Law Symposium on "The U.S. Supreme Court's Obamacare Decision and Its Significance for the 50th Anniversary of LBJ's Great Society," April 12, 2014.

"Climate Balkanization: Dormant Commerce and the Limits of State Energy Policy," Lone Mountain Forum on "Energy Policy: Political, Legal, and Economic Issues," Property and Environment Research Center, Big Sky, Montana, December 6, 2013.

"Compelled Commercial Speech and the Consumer Right to Know" Faculty Workshop, University of Minnesota Law School, Minneapolis, Minnesota, November 21, 2013.

"The Clean Air Act, Greenhouse Gasses, and Cooperative Federalism," Second Annual Searle Center Conference on Federalism and Energy, Northwestern University, November 14, 2013.

"Robert Bork and Commercial Speech," Tenth Anniversary Symposium of the *Journal of Law, Economics, and Policy*, co-sponsored with the Law and Economics Center at George Mason University School of Law, Arlington, Virginia, November 8, 2013.

"The Affordable Care Act, One Year Later," Southeastern Association of Law Schools Annual Conference, Palm Beach, Florida, August 9, 2013.

"Implementing the Affordable Care Act" First Annual Executive Branch Project Conference, Federalist Society for Law and Public Policy Studies, Washington, D.C., June 11, 2013.

"The Firm, the Environment, and the Law," Research Roundtable on Austrian Law and Economics at the George Mason University School of Law, Arlington, VA, April 25, 2013.

"Making Sense of the Supreme Court" City Club of Cleveland, Cleveland, Ohio, February 13, 2013

"Free & Green: Property Rights and Markets for Environmental Protection," Annual Rogge Memorial Lecture, Wabash College, Crawfordsville, Indiana, Nov. 1, 2012.

"The Future of Health Care Reform Is Still in Federal Court," Conference on "The Future of Health Care Reform in the U.S.," Institute for Law and Economics, University of Chicago School of Law, Oct. 12, 2012.

"Judicial Minimalism, the Mandate, and Mr. Roberts," Conference on "The Health Care Case: The Supreme Court's Decision and Its Implications," Columbia Law School, Sept. 28, 2012.

"Free Market Principles for Environmental Reform," Conference on "Conservative Visions of Our Environmental Future," Duke University, Sept. 25, 2012.

"Wetlands, Property Rights, and the Due Process Deficit in Environmental Law," Symposium on "The Supreme Court: Past and Prologue—A Look at the October 2011 and 2012 Terms," Cato Institute, Washington, D.C., Sept. 18, 2012.

"The Problems with Precaution: A Principle without Principle," at the University of Maine at Machias, Sept. 13, 2012.

Panelist, "Global Warming and Political Cooling: Addressing Climate Change on Many Fronts," 2012 National Convention of the American Constitution Society for Law and Policy, Washington, D.C., June 15, 2012.

"Free Market Approaches to Climate Change" Federalist Society student chapter at Stanford Law School, April 18, 2012.

"Eyes on a Climate Prize: Rewarding Energy Innovation to Achieve Climate Stabilization," *Environmental Law and Policy Annual Review* Conference, Washington, D.C., April 13, 2012.

Participant, 28th Annual Jefferson B. Fordham Debate, "Resolved: The Individual Mandate Provision of the PPACA is Constitutional," University of Utah S.J. Quinney College of Law, February 6, 2012.

"Compelled Commercial Speech and the Consumer Right to Know" University of North Carolina School of Law Faculty Workshop, February 2, 2012.

"Water Rights, Markets, and Changing Ecological Conditions," *Environmental Law* Symposium on 21st Century Water Law, Lewis & Clark Law School, Portland, Oregon, October 7, 2011.

"The Supreme Court Disposes of a Nuisance Suit: *American Electric Power v. Connecticut*," at 10th Annual Constitution Day symposium, *Cato Supreme Court Review*, Washington, D.C., September 15, 2011

"Climate Change Goes Back to Court," Conference on Terrorism, Climate, & Central Planning: Challenges to Liberty and the Rule of Law, Foundation for Research on Economics and the Environment, Big Sky, Montana, August 31, 2011.

"The Firm, the Environment, and the Law," workshop at the Property and Environment Research Center in Bozeman, MT, August 3, 2011.

"Health Care Reform and the Future of Federalism," Federalist Society Birmingham Lawyers Chapter, Birmingham, AL, March 1, 2011.

Panelist, "Federalism and Interstate Competition," 30th Annual Federalist Society Student Symposium on "Capitalism, Markets, and the Constitution," University of Virginia, February 26, 2011.

"Cooperation, Commandeering, or Crowding Out? Federal Intervention and State Choices in Health Care Policy," *Kansas Journal of Law and Public Policy* symposium on "The Role of States in Federal Health Care Reform," University of Kansas School of Law, February 11, 2011.

"Alternatives to Cap and Trade," Federalist Society Student Chapter, Environmental Law Society, and *Harvard Environmental Law Review*, Harvard Law School, February 3, 2011.

Panelist, "The Judicial Vacancy Crisis," Federal Bar Association, Northern Ohio Chapter, November 18, 2010.

Panelist, *Regulating from Nowhere: Environmental Law & the Search for Objectivity* by Douglas Kysar, American Constitution Society, Washington, D.C., November 4, 2010.

"Is the Common Law the Free Market Solution to Pollution?" Workshop on "Tough Questions for Free-Market Environmentalism," Property & Environment Research Center, Bozeman, Montana, July 20, 2010.

Panelist, "Environmental Protection in a Climate of Change," American Constitution Society 2010 Annual Convention, Washington, D.C., June 18, 2010.

Panelist, "The Global Warming Crisis: Property Law," AALS Mid-Year Meeting Workshop on Property, New York, NY, June 12, 2010.

"Environmental Law and the U.S. Supreme Court," Ohio State Bar Association's 25th Annual Ohio Environmental Law Seminar in Newark, OH, April 30, 2010

"The Cuyahoga, the Common Law & Environmental Protection," Judicial Symposium on the Expansion of Liability Under Public Nuisance, Searle Center Judicial Education Program, Northwestern University Law School, Chicago, IL, April 26, 2010.

"To Cap or Not to Cap," a debate with Yale law professor Douglas Kysar on federal regulation of greenhouse gases, Federalist Society Student Chapter, Yale Law School, New Haven, CT, April 8, 2010.

"Eyes on a Climate Prize: Rewarding Energy Innovation to Achieve Climate Stabilization," Workshop on "Rethinking the Foundations of Climate Change Law and Policy," University of Pennsylvania Law School, Philadelphia, PA, October 23, 2009.

"Public Lands & Public Choice," "Free Market Environmentalism and Institutions of Liberty," PERC and Liberty Fund Inc, Bozeman, MT, June 17, 2009.

"A Conversation on Climate Change Policy: A Look Ahead at 2009," with Michael Vandenbergh, Vanderbilt Climate Change Research Network & Nashville Lawyers Chapter of the Federalist Society for Law & Policy Studies, February 19, 2009.

"Standing Still in the Roberts Court," *Case Western Reserve Law Review* symposium on "Access to the Courts in the Roberts Era," Case Western Reserve University School of Law, January 30, 2009.

"The Roberts Courts and Business: A Look at the Environmental Cases," *Santa Clara Law Review* symposium on "Big Business and the Roberts Court," Santa Clara University School of Law, January 23, 2009.

"A More Modest Court: The Ohio Supreme Court's Newfound Judicial Restraint," Cleveland Area Civil Trial Attorneys, December 10, 2008.

"The Policy Implications of Reaction to Climate Change," National Lawyers Convention of the Federalist Society for Law & Public Policy Studies, November 20, 2008.

"Compelled Commercial Speech and the Consumer Right-to-Know," Penn State University Dickinson School of Law, State College, PA, September 19, 2008.

"Taking Property Rights Seriously: The Case of Climate Change," Social Philosophy and Policy Center/Liberty Fund conference, "Liberty and the Environment," Orlando, FL, June 20, 2008

"Federalism in the Roberts Court," Conference on Constitutional Law, 2008 AALS Mid-Year Meeting, Cleveland, Ohio, June 4, 2008.

"From Marshall to Scalia: The Role of the Courts in American History," Bill of Rights Institute, Wichita, Kansas, April 24, 2008.

"From Guns to Guantanamo: A Guide to Life in the Roberts Court Era," Akron Press Club, Akron, Ohio, April 14, 2008.

"Reforming Our Wasteful Hazardous Waste Policy," Breaking the Logjam: An Environmental Law for the 21st Century, NYU School of Law, March 29, 2008.

"God, Gaia, The Taxpayer, and The Lorax: Standing, Justiciability, and Separation of Powers after *Massachusetts* and *Hein*," Keynote Address, Regent Law Review Symposium on Justiciability After *Hein* and *Massachusetts*: Where is the Court Standing?, Virginia Beach, VA, Nov. 30, 2007

"Reforming Our Wasteful Hazardous Waste Policy," Environmental Governance Seminar, New York University School of Law (co-sponsored by New York Law School), New York, NY, Nov. 28, 2007.

"Water Markets as an Adaptive Response to the Threat of Climate Change," Nevada Water Resources Association, Las Vegas, NV, Nov. 5, 2007.

Comment, "The Complex Climate Change Incentives of China and the United States" by Cass Sunstein, Conference on Cost-Benefit Analysis of Regulations: Lessons Learned, Future Challenges," sponsored by the Searle Center at the Northwestern University School of Law, Oct. 12, 2007.

"Global Warming and Other Hot Topics," Annual Convention, American Constitution Society for Law and Policy, Washington, DC, July 27, 2007.

"Money or Nothing: The Adverse Environmental Consequences of Uncompensated Regulatory Takings," Symposium on Takings: The Uses and Abuses of Eminent Domain and Land Use Regulation," Florida State University, April 21, 2007.

"Jurisdictional Matching in Environmental Federalism," Environmental Federalism: States, NGOs, and Environmental Quality for State Officials, Foundation for Research on Economics and the Environment and Montana State University, Bozeman, Montana, July 18, 2006.

"The Fable of Federal Regulation," Skeptics Society Annual Conference, California Institute of Technology, Pasadena, CA, June 3, 2006.

"Blogging and Privacy," Annual Computers, Freedom & Privacy Conference, Washington, D.C., May 4, 2006.

"Running on Empty – Energy in the 21st Century," Research ShowCASE, Case Western Reserve University, Cleveland, Ohio, April 5, 2006.

"Institutional Mismatch in Environmental Federalism," *New York University Environmental Law Journal* 2005 Colloquium on State Roles in U.S. Environmental Law and Policy, New York, N.Y. March 25, 2005.

"How to Protect Environmental Protections" Environmental Law Institute, American Constitution Society, and Center for American Progress, Washington, D.C., March 24, 2005.

"Why States Regulate: The Impact of Federal Action on State Environmental Regulatory Choices," Faculty Workshop, George Mason University School of Law, Arlington, Virginia, January 19, 2005

"Speech: Protected and Unprotected," Collegiate Network 25th Anniversary Student Editors Conference, Washington, D.C., December 4, 2004

Discussant, "The Election Is Over . . . Now What?" Third Annual Louis Stokes Leadership Symposium on Social Issues and the Community, Case Western Reserve University, Cleveland, Ohio, November 30, 2004.

"Conservation through Collusion: Antitrust as an Obstacle to Marine Resource Conservation," Annual Meeting, Southern Economic Association, New Orleans, Louisiana, November 21, 2004.

"Wetland Federalism: Why States Regulate," Faculty Workshop, Florida State University School of Law, Tallahassee, Florida, October 19, 2004.

"The Fables of Federal Regulation: Revisiting the Causes and Consequences of Environmental Centralization," Mont Pelerin Society Annual Meeting, Salt Lake City, Utah, August 16, 2004.

"The Common Law and Environmental Protection," Kinship Conservation Institute, Bozeman Montana, June 7, 2004.

"Frank Meyer, Fusionism, and Federalism," *Publius* Symposium on Conservatives and Federalism, Washington, D.C., May 21, 2004

"Judicial Federalism and the Future of Federal Environmental Regulation," Faculty Workshop, University of Pittsburgh School of Law, Pittsburgh, Pennsylvania, February 26, 2004.

Panelist, "The Bush Administration's Environmental Record," Harvard Environmental Law Conference, Harvard Law School, Cambridge, Massachusetts, November 6, 2003.

"Terrorism and the Environmental Right-to-Know," Terrorism, Energy Security, and Civil Liberties - A Seminar for Federal Judges, Foundation for Research on Economics and the Environment, Bozeman, Montana, August 5-10, 2003.

Panelist, "The Erosion of Environmental Protection?" American Constitution Society National Convention, Washington, D.C., August 1, 2003.

"Constitutional Limitations on Mandatory Labeling of Biotech Foods," Journal of Law & Technology Symposium, University of Richmond School of Law, Richmond, Virginia, March 14, 2003.

"The Precautionary Principle: More Sorry, Less Safe," Congressional staff seminar, Political Economy Research Center, Washington, D.C., September 13, 2002.

"Conservation through Collusion: Antitrust Barriers to Cooperative Fishery Management," Faculty Workshop, University of San Diego School of Law, March 1, 2002.

"Let Fifty Flowers Bloom: Transforming the States into Laboratories of Environmental Policy," American Enterprise Institute, Washington, D.C., September 20, 2001.

"Environmental Federalism," Environmental Economics and Policy Analysis - A Seminar for Law Professors, Foundation for Research on Economics and the Environment, Bozeman, Montana, July 12-14, 2001.

"International Environmental Regulation and the Precautionary Principle," Roundtable on International Trade, International Council on Metals and the Environment, July 17-18, 2001.

Additional fora include the following:

Air & Waste Management Association
Akron Press Club
American Council on Germany
American Iron & Steel Institute
America's Future Foundation
American Society of Civil Engineers
Cement Kiln Recycling Coalition
Cleveland-Marshall School of Law
Close-Up Foundation
Food & Drug Law Institute
Forest Landowners Association
Foundation for Research on Economics & the Environment
Georgetown University Law Center
Heartland Institute
Heritage Foundation
Hiram College
Industrial College of the Armed Forces
Institute for Humane Studies
Leadership Institute
Lewis & Clark College
National Association of Manufacturers
North American Association for Environmental Education
Political Economy Research Center
Progress & Freedom Foundation
Rhodes College
Society of Environmental Journalists
Tennessee-Tombigbee Water Development Authority
University of Chicago Federalist Society Student Chapter
University of Michigan Federalist Society Student Chapter
University of Notre Dame Federalist Society Student Chapter
University of Pennsylvania
University of Texas Federalist Society Student Chapter
University of Virginia Federalist Society Student Chapter
U.S. Conference of Mayors
Vermont Law School
Williams College
World Presidents Organization (WPO)
Yale Political Union, Yale University
Yale School of Forestry & Environmental Studies
Young Presidents Organization (YPO)

MEDIA APPEARANCES

Appearances on national radio and television programs including: PBS *NewsHour with Jim Lehrer*, CNN *World News Tonight*, MSNBC, CNN *Moneyline with Lou Dobbs*, Fox News Channel *O'Reilly Factor*, Fox News Channel *Hannity & Colmes*, ABC *World News Tonight*, National Public Radio *Talk of the Nation*, National Public Radio *Dianne Rehm Show*, National Public Radio *Living on Earth*, CNN, and *Entertainment Tonight*, among others.

Print media citations have included *The New York Times, Washington Post, Wall Street Journal, Los Angeles Times, The Economist, Newsweek, National Law Journal, ABA Journal, Legal Times, Newsweek, Philadelphia Inquirer, Christian Science Monitor, U.S. News & World Report, Chicago Tribune, Boston Globe*, among others.

PEER REVIEW

Have conducted academic peer review of manuscripts and proposals for the following journals and publishers.

- AEI Press
- Aspen Publishers
- Cambridge University Press
- ELECTION LAW JOURNAL
- ENVIRONMENTAL HISTORY
- FOOD POLICY
- GLOBAL ENVIRONMENTAL POLITICS
- JOURNAL OF AGRICULTURAL & ENVIRONMENTAL ETHICS
- JOURNAL OF EMPIRICAL LEGAL STUDIES
- JOURNAL OF HEALTH POLITICS, POLICY AND LAW
- Mercatus Center, George Mason University
- Oxford University Press

ADDITIONAL EMPLOYMENT EXPERIENCE

CENTER FOR THE STUDY OF THE ADMINISTRATIVE STATE, George Mason University School of Law, Arlington, VA
Senior Fellow, 2015 – Present

PROPERTY & ENVIRONMENT RESEARCH CENTER, Bozeman, MT
Senior Fellow, Fall 2011—Present
Lone Mountain Fellow, Summer 2009, Summer 2011
Julian Simon Summer Research Fellow, Summer 2004
Broadbent Summer Research Fellow, Summer 1998

MERCATUS CENTER, Arlington, VA
Visiting Senior Scholar, August 2005 – July 2006.

U.S. COURT OF APPEALS, DISTRICT OF COLUMBIA CIRCUIT, Washington, DC
Clerk for The Honorable David B. Sentelle, Circuit Judge, August 2000 – July 2001

KIRKLAND & ELLIS, Washington, DC
Summer Associate, Summer 2000
Law Clerk, Fall 1999 – April 2000
Summer Associate, Summer 1999

COMPETITIVE ENTERPRISE INSTITUTE, Washington, DC
Senior Fellow in Environmental Policy, September 1999 – May 2000
Director of Environmental Studies, July 1995 – May 1999
Associate Director of Environmental Studies, January 1994 – July 1995
Environmental Policy Analyst, June 1991 – January 1994

CATHOLIC UNIVERSITY**,** Washington, DC
Visiting Lecturer, Spring 1999
Course: Environmental Politics and Policy seminar

PROFESSIONAL ACTIVITIES

AMERICAN LAW INSTITUTE, Philadelphia, PA
Member, 2018 -- Present

BIPARTISAN JUDICIAL ADVISORY COMMISSION, Ohio
Member, 2018

ENERGY & ENTERPRISE INITIATIVE, Fairfax, VA
Advisory Council, 2013 -- Present

FREE STATE FOUNDATION, Rockville, MD
Board of Academic Advisors, 2012 – Present

FOUNDATION FOR RESEARCH ON ECONOMICS & ENVIRONMENT, Bozeman, MT
Board of Trustees, 2008 – Present

ENVIRONMENTAL LAW INSTITUTE, Washington, DC
Environmental Law Reporter and ELI Press Advisory Board, 2007 – Present.

MONT PELERIN SOCIETY
Member, 2004 – Present

CENTER FOR CONSTITUTIONAL JURISPRUDENCE, Claremont Institute, Claremont, CA
Academic Advisory Board, 2004 – Present.

THE VOLOKH CONSPIRACY, Legal blog, http://volokh.com
Contributor, 2002 – Present.

SMALL BUSINESS LEGAL CENTER, National Federation of Independent Business
Advisory Board, August 2002 – November 2010, December 2013-Present.

NATIONAL REVIEW ONLINE
Contributing Editor, July 2002 – Present.

CATO SUPREME COURT REVIEW, Cato Institute, Washington, DC
Academic Advisory Board, February 2002 – Present.

AMERICA'S FUTURE FOUNDATION, Washington, DC
Member, Board of Directors, July 2001 – September 2006

INSTITUTE FOR HUMANE STUDIES
Felix Morley Journalism Competition Review Committee, 2001- 2009.

THE FEDERALIST SOCIETY, Washington, DC
Executive Committee, Environmental Law and Property Rights Practice Group, July 2002 -- Present
Vice Chair, Environmental Law and Property Rights Practice Group, 1998 – May 2000

BAR ADMISSIONS

Virginia – October 2000

EDUCATION

GEORGE MASON UNIVERSITY SCHOOL OF LAW, Arlington, Virginia
Juris Doctor, May 2000
Graduated *Summa cum laude*; Class Valedictorian
George Mason Law Review, Articles Editor 1998-1999
Dean's Scholar (legal writing instructor), 1999-2000
Richard S. Murphy Prize (awarded for academic achievement in core courses), 1999
Adrian S. Fisher Award for best student law review article, 1997-98
First Place, First-Year Moot Court Competition, 1997
Senator Leroy S. Bendheim Scholarship, 1996-97.

YALE UNIVERSITY, New Haven, Connecticut
Bachelor of Arts, History, May 1991
Graduated *Magna cum laude*
Distinction in Major
National Merit Scholar